

REMARKS

Applicants respectfully request entry of the foregoing and reexamination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.116, and in light of the remarks which follow.

Claims 25, 26, 29-46 and 50-54 are pending in this application.

Claims 28 and 49 were cancelled in this amendment. Claims 1-24, 27, 47 and 48 were previously cancelled.

Claim 25 has been amended to clarify the claim language and to replace "transitional metals" by the specific group of transition metals previously recited in Claim 49. Claim 26 has been amended to clarify the claim language by better identifying that the structure cited is in the ligand. Claim 36 has been amended to delete "linear." Claim 52 has been amended to be in independent form and to recite the elements of Claim 1 from which it previously depended. Claims 53 and 54 have been amended to add a period after the table with the structures.

No new matter has been added in making these amendments.

Applicants gratefully acknowledge the Examiner's withdrawal of the previous objections of claims 25-46, the withdrawal of the rejection under 35 U.S.C. 102(b) and the withdrawal of the double patenting rejection over claims 1-17 of U.S. Patent No. 7,253,298.

Applicants gratefully acknowledge the consideration shown by the Examiner in a telephonic interview where the rejection under 35 U.S.C. §112, first paragraph

was discussed. In the interview, the Examiner indicated that it is desirable to show that specific claimed metals, other than nickel, can be, or are known to be, used in hydrocyanation reactions.

Claim Objections

Claims 53 and 54 are objected to for not having a period at the end of either claim.

Claims 53 and 54 have been amended to place a period at the end of each of these claims. Applicants request that this objection be withdrawn.

Claims 52 and 54 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 52 has been amended to be in independent form. Applicants note that Claim 54 is an independent claim.

Applicants request that these claims be allowed.

35 U.S.C. §112 first paragraph Rejection

Claims 25-46, 49-51 and 53 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

The Office Action indicates that the specification only provides support for using Ni(cod)₂ as the transition metal compound in the catalyst composition for the instant process. Applicant has not provided a representative number of examples

which leads one of skill to conclude that Applicant was not in possession of the entire claimed invention at the time of filing.

Claim 25 has been amended to recite the metallic element is selected from the group consisting of nickel, cobalt, iron, ruthenium, rhodium, palladium, osmium, iridium, platinum, copper, silver, gold, zinc, cadmium and mercury. The Office Action indicates that there is support in the specification for the use of nickel in a hydrocyanation reaction.

Applicants respectfully submit that one of ordinary skill in the art would recognize that the claimed metals are known to be used in hydrocyanation reactions. To support this position, Applicants direct the Examiner to the following patents which show that the specific metals listed are known to be used in hydrocyanation reactions as recited in the allowed claims, as well as the specification. Applicants have limited the references to U.S. Patents but can also provide a number of U.S. published patent applications and international patents/applications if additional support is needed.

U.S. Patent No. 5,169,971 - nickel, cobalt, iron, palladium, silver, zinc, cadmium.

U.S. Patent No. 5,491,266 - nickel, cobalt, iron, ruthenium, rhodium, palladium, osmium, iridium, platinum

U.S. Patent No. 6,156,935 - nickel, ruthenium, rhodium, palladium, iridium,

U.S. Patent No. 6,573,389 - nickel, cobalt, ruthenium, rhodium, palladium,
osmium, iridium, platinum, copper

U.S. Patent No. 6,852,661 - nickel, cobalt, ruthenium, rhodium, palladium,
iridium, platinum

U.S. Patent No. 7,081,533 - nickel, cobalt, ruthenium, rhodium, palladium,
osmium, iridium, platinum, copper

U.S. Patent No. 7,081,544 - nickel, cobalt, ruthenium, rhodium, palladium,
osmium, iridium, platinum, copper

U.S. Patent No. 7,084,293 - nickel, cobalt, iron, ruthenium, rhodium,
palladium, osmium, iridium, platinum, copper,
silver, gold, zinc, cadmium, mercury

U.S. Patent No. 7,173,138 - cobalt, ruthenium, rhodium, iridium

U.S. Patent No. 7,253,298 - nickel, cobalt, zinc, cadmium

U.S. Patent No. 7,294,729 - cobalt, ruthenium, rhodium, iridium

Applicants respectfully submit that these patents show that one of ordinary skill in the art would recognize that the claimed metals were known in the art to be used in hydrocyanation reactions.

Therefore the specification provides numerous specific examples for the metallic element in the catalyst. Applicants' request this rejection be withdrawn.

In view of the foregoing, it is believed that entry of the proposed amendments should be allowed and that the record rejections cannot be maintained against the proposed claims once entered into this application. Further, favorable action in the form of a Notice of Allowance is believed to be next in order and is earnestly solicited.

In the event that there are any questions related to this response, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney at the below-listed telephone number concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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